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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Aliran Kesedaran Negara National Consciousness Movement, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Threats to Freedom of Religion or Belief in Malaysia*

Malaysia has a population of 30m people, with 60 per cent of the population practising Islam, 19 per cent Buddhism, 9 per cent Christianity, 6 per cent Hinduism and 5 per cent other faiths and beliefs. Although Malaysia remains a secular state and its constitution guarantees freedom of religion, many Malaysians continue to face serious and systemic religious intolerance and persecution. Although Muslims may proselytise to non-Muslims, under Article 11(4) of the Malaysian Constitution, proselytisation by those of non-Muslim faiths to Muslims is prohibited.[1] Freedom of religion was one of the key issues discussed during Malaysia's second cycle of the Universal Periodic Review, with several states including Austria[2], Canada[3], Italy[4] and Poland[5] making critical comments and recommendations. In January 2014, Amnesty International stated *"It is concerning to see the Malaysian authorities increasingly taking their cue from hard-line religious groups and others seeking to silence those who espouse views that differ from their own agenda".*[6]

A court ruling in October 2013 prohibits non-Muslims from using the word Allah to refer to God. The appeals court stated that the term Allah must be exclusive to Islam or it could cause public disorder.[7] According to the Christian Federation of Malaysia, about 60 per cent of the 2.6m Christians in the country use the word "Allah" to refer to God. In a statement made at the second cycle of Malaysia's Universal Periodic Review (UPR) in October, the Malaysian Government stated that the Court ruling was a preventive measure to ensure public safety and to protect public order in Malaysia.[8]

In November 2013, the UN Special Rapporteur, Mr Heiner Bielefeldt, urged the Government of Malaysia to reverse its decision to ban a Catholic publication from using the word Allah to refer to God, warning that the case may have far-reaching implications for religious minorities in the country. UN Independent Expert on minority issues Ms Rita Izsák stated that, *"Discrimination on the grounds of religion or belief constitutes a violation of human rights and fundamental freedoms, and in this instance is a breach of the rights of a religious minority to freely practise and express their faith as they have done for generations. Such actions may present an obstacle to friendly and peaceful relations between faith communities."* The UN Special Rapporteur on freedom of expression, Mr Frank La Rue, has also echoed these statements: *"The Ministry of Home Affairs and the Government of Malaysia should take necessary steps to secure immediately the right to freedom of opinion and expression of Herald – The Catholic Weekly and withdraw unconditionally from further litigation on this issue".*[9]

On 2 January 2014, officers from the Selangor Islamic Department (Jais) raided the Bible Society of Malaysia (BSM) and seized 321 copies of the Bible in the Ma'ay language and a further 10 bibles in the Iban language because they used

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1 The Constitution of Malaysia. Part I – The States, Religion and Law of the Federation.

2 A/HRC/25/10 - Report of the Working Group on the Universal Periodic Review: Malaysia - "Take measures to ensure that all persons, including Muslims, can freely exercise their right to freedom of religion and belief without interference by the state and including the right to change their religion". http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Pages/ListReports.aspx

3 A/HRC/25/10 - Report of the Working Group on the Universal Periodic Review: Malaysia - "It encouraged removing restrictions on freedom of expression, assembly and religion, and ending faith-based governmental discrimination". http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Pages/ListReports.aspx

4 A/HRC/25/10 - Report of the Working Group on the Universal Periodic Review: Malaysia - "Revise Malaysia's legislative framework in order to ensure freedom of religion or belief for all". http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Pages/ListReports.aspx

5 A/HRC/25/10 - Report of the Working Group on the Universal Periodic Review: Malaysia - "Poland expressed concern about attempts to tighten control over the Internet, and to restrict bloggers and limit the number of publications of various religions". http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Pages/ListReports.aspx

6 Amnesty International Press Statement – "Malaysia: Move to outlaw human rights groups is an assault on freedom" - 8th January 2014. - http://www.amnesty.org/en/news/malaysia-move-outlaw-human-rights-groups-assault-freedom-2014-01-08

7 BBC News – "Malaysia court rules non-Muslims cannot use 'Allah' - 14th October 2013 - http://www.bbc.co.uk/news/world-asia-24516181

8 A/HRC/25/10 - Report of the Working Group on the Universal Periodic Review: Malaysia - 4th December 2014. http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Pages/ListReports.aspx

9 OHCHR "UN expert urges Malaysia to reverse decision that restricts use of 'Allah' to Muslims" - 25th November 2013. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14023&LangID=E

the world Allah to refer to God. Jais unlawfully conducted the raid without a warrant and threatened to force their way into the office of BSM if they would not open the door for them. During the raid, the Jais officers also arrested the Bible Society's president, Lee Min Choon, and office manager, Sinclair Wong, for allegedly violating that decree. Both were later released on bail.[10]

The Jais raid is a blatant violation of freedom of religion, which is guaranteed under Article 11 of the Malaysian Federal Constitution and enshrined in the Universal Declaration of Human Rights to ensure all human beings are able to practise their religion and belief freely. On 7 January 2014, police began investigating the editor of the Catholic weekly Herald, Father Lawrence Andrew, under the Sedition Act 1948, for saying that the word Allah will continue to be used in services conducted in Bahasa Malaysia (the Malay language) in churches in Selangor.[11] Following this statement in January, about 400 Muslim protesters burned an effigy of Father Lawrence in front of a police station in Selangor and in its Friday sermon. The Malaysian Islamic Development Department (Jakim) told Muslims that they were expected to be aware of any agenda to reduce the supremacy of Islam.[12]

On 8 January 2014, the Ministry of Home Affairs declared in a press statement that the Coalition of Malaysian NGOs involved in the UPR process (Comango), which consists mainly of non-Islamic organisations, promotes rights which are not in line with Islam and is therefore illegal. Since Comango's submission to the second cycle of the UPR, which took place on 24 October 2013, the coalition has been subjected to harassment and threats by both state and non-state actors. The coalition has been accused of attacking Islam and of spreading beliefs that do not conform to Islamic teachings.[13] UN Spokesperson for the UN High Commissioner for Human Rights, Mr Rupert Colville, stated on 10 January 2014 that, "*We are concerned at what appears to be an act of reprisal against Comango for its engagement with international human rights mechanisms, notably the UPR*".[14]

In late October 2012, a group of parents lodged police reports against teachers at an Orang Asli (indigenous peoples) school in Kelantan, for slapping their children because they did not recite the *doa* (Islamic prayer) after having their lunch.[15] The Orang Asli children are non-Muslim and did not know how to recite the prayer; so they remained quiet. According to deputy chairperson of the school's Parents-Teachers Association, Arom Asir, the children's faces were bruised after being slapped by a male teacher. Arom Asir added that the parents did not know that their children were being taught Islamic studies at the school or being made to recite Islamic prayers. In Malaysia, under Section 17 of the Aboriginal Peoples Act 1954, no Orang Asli child shall be obliged to receive religious teachings, without prior consent from their parents. On 7 November 2012, the family of Hassan Achoi was approached and offered RM300 to retract their police report. The Deputy Education Minister Wee Ka Siong later confirmed in Parliament that the incident did take place and said that disciplinary action was "under way". However, he said, it was up to the police to investigate any criminal offence which the teacher may have committed.

On 20 January 2014, The Malaysian Insider reported that 64 people, including children, from three remote and impoverished villages in Pitas, Sabah were allegedly tricked into converting to Islam in exchange for "welfare assistance". The communities were told to give their name and identity card number in exchange for "financial assistance" at a local mosque. Despite the communities being unable to read or write they were asked to sign a form using their fingerprint. These forms were later passed to a church elder who informed the villagers that it was a consent form and that they had consented to be converted to Islam. Christian NGOs in Sabah are currently engaging a lawyer to seek legal redress and the villagers have lodged a police report urging the police to investigate their claim of 'covert

10 Suara Rakyat Malaysia (SUARAM) Press Statement: "JAIS raid a diversion of public attention on rising living cost!" - 4th January 2014, http://www.themalaysianinsider.com/sideviews/article/jais-raid-a-diversion-from-rising-living-costs-suaram

11 The Malaysian Insider – "Police question Catholic priest under sedition" - 8th January 2014 - http://www.themalaysianinsider.com/malaysia/article/police-question-herald-editor-under-sedition-act

12 The Malaysian Insider - "Jakim reminds Muslims to protect supremacy of Islam" - 17th January 2014 - http://www.themalaysianinsider.com/malaysia/article/jakim-reminds-muslims-to-protect-supremacy-of-islam

13 Amnesty International Press Statement – "Malaysia: Move to outlaw human rights groups is an assault on freedom" - 8th January 2014. - http://www.amnesty.org/en/news/malaysia-move-outlaw-human-rights-groups-assault-freedom-2014-01-08

14 United Nations News Centre – "Malaysia: UN rights office urges Government to rethink ban of civil society group" 10th January 2014 - http://www.un.org/apps/news/story.asp?NewsID=46907&Cr=malaysia&Cr1=#.Ut5exBaCo_U

15 Malaysiakini – "Agencies apologise over Orang Asli kids' slapping" - 9th November 2012 - http://beta.malaysiakini.com/news/213241

conversion' so they can retain their faith as Christians.[16] It is claimed that an NGO called Pusat Dayak Serantau (PDS) headquartered in Kajang, Selangor had allegedly propagated at the longhouses.[17]

In Malaysia, there is little tolerance for a Muslim practising a branch of Islam besides Sunni. A 1996 *fatwa* by Malaysia's top Islamic clerics banned Shi'ism, declaring it a deviant ideology.[18] So far ten states have banned the Shia faith under the Anti-Syariah Enactment Law whereas four states, namely Pahang, Kelantan, Sabah and Sarawak are in the process of doing so. In 2013, Malaysia's official religious authority, Jakim, claimed that Shias are not Muslims.[19]

In September 2013, a media report stated that enforcement agencies had detained 16 people and carried out 120 inspections in connection with those identified as linked to the dissemination of Shia teachings in the country.[20] On 28 September 2013, a raid was conducted at a Shia Islamic centre in Selangor. Religious authorities broke in, seized property, including a sum of money to be donated to an orphanage and valuable items belonging to adherents of Shia Islam, and damaged the premises.[21] On 21 October 2013, an imam of a mosque in Pahang was detained on suspicion of practising Shi'ism.[22] On 31 October 2013, three men charged with possession of documents and books on the teachings of Shia Islam pleaded not guilty in court. They were accused of possessing a banner with the name of twelve saints considered very important within Shia Islam, possessing 103 copies of the book Sunni-Shia Dialogue and possessing a document entitled Tears of Karbala.[23]

Recommendations

We entreat the UN Human Rights Council and Permanent Missions to make urgent representations to the Malaysian Government, urging them to:

- Invite UN Special Rapporteur on Freedom of Religion and Belief, Mr Heiner Bielefeldt, to visit Malaysia as soon as possible to conduct an independent inquiry with the full cooperation of the Malaysian government.

- Promote policies and practices that ensure the rights of every religious group to exercise its faith free from legal, political, or economic restrictions.

- Take immediate legal actions to arrest and charge extremist groups and individuals that incite hatred and violence against others on religious grounds.

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*Suara Rakyat Malaysia (Suaram) NGO(s) without consultative status, also share the views expressed in this statement.

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16 The Malaysian Insider – We were tricked into converting to Islam, claim Christian villagers in remote Sabah district" - 20th January 2014 - http://www.themalaysianinsider.com/malaysia/article/we-were-tricked-into-converting-to-islam-claim-christian-villagers-in-remot

17 The Malaysian Insider – "Money for religion deal 'unhealthy" - 22nd January 2014 - http://www.freemalaysiatoday.com/category/nation/2014/01/22/money-for-religion-deal-unhealthy/

18 Syiah Di Malaysia http://www.e-fatwa.gov.my/fatwa-kebangsaan/syiah-di-malaysia

19 The Malaysian Insider - "Shias are not Muslims, claims Jakim – Bernama" - 13th December 2013 http://www.themalaysianinsider.com/malaysia/article/all-branches-of-syiah-teachings-in-malaysia-are-un-islamic-claim-jakim-bern]

20 The Malaysian Insider - "16 Shiites arrested 130 monitored by cops says minister" - 24th September 2013 - http://www.themalaysianinsider.com/malaysia/article/16-shiites-arrested-130-monitored-by-cops-says-minister

21 Sinar Harian - "Port Syiah diserbu" - 28th September 2013 - http://www.sinarharian.com.my/port-syiah-diserbu-1.206383]

22 Berita Harian -"Imam amal ajaran Syiah akan didakwa" - 22nd November 2013 http://www.bharian.com.my/bharian/articles/ImamamalajaranSyiahakandidakwa/Article/

23 Sinar Harian - "Tak mengaku miliki buku Syiah" - 31st October 2013 - http://www.sinarharian.com.my/semasa/tak-mengaku-miliki-buku-syiah-1.216144]